

# Abel's Attorney the Key Man

By ALFRED T. HENDRICKS

James Britt Donovan, who was the original court-appointed attorney for Red spy Col. Rudolf Abel, switched sides and became the key man in the negotiations which culminated in the successful swap of U-2 pilot Gary Powers for the Russian espionage agent.

Here is the dramatic chain of events which led to freedom for both men:

In late 1960, Donovan received a letter from Abel's wife, postmarked East Germany. She appealed for her husband's release. Donovan notified the Justice Dept., and, at its suggestion, he answered the letter, recommending that she write directly to President Kennedy, who had just been elected but was not yet in office.

Mrs. Abel followed his recommendation, dispatching a letter to the President, who turned it over—in normal procedure—to Reed Cozart, the Justice Dept.'s garden attorney.

Cozart rejected her request to



**JAMES DONOVAN**

*A "self-sacrificing" task.*

free Abel, saying there were insufficient grounds for pardon or commutation of his 30-year sentence.

There then followed an exchange of letters between Mrs. Abel and Donovan "discussing the possibilities of Abel's release."

Finally, when it appeared to Donovan and the Justice Dept. that there were grounds for negotiations, Donovan was authorized by the department to go to East Berlin.

The time was approximately four weeks ago.

At that point, Donovan doffed his role as defense attorney and took on the equally difficult task as U. S. negotiator.

## Had RFK's Approval

He arrived in East Berlin two weeks ago with a letter from Cozart indicating that the U. S. government might be willing to commute Abel's sentence "under proper circumstances."

This was done with the approval of U. S. Attorney Gen-

eral Robert Kennedy.

Justice Dept. officials would not say on Saturday with whom Donovan negotiated in East Berlin, or whether he had the aid of U. S. officials in Berlin or elsewhere.

However, before Robert Kennedy left for his trip on Feb. 1, he and President Kennedy signed an order commuting Abel's sentence to time served, effective the moment of exchange of Powers for Abel.

## The Swap Comes Through

Early Saturday, the swap was finally made. Washington officials considered it a fair exchange.

And thus ended the efforts of the slow-speaking, decisive lawyer from Brooklyn who believes in paying more than lip service to the principles of "fair play."

Even as the news of the exchange was being broken in Washington, Donovan was still on his way home from Europe. His wife, Mary, said early Saturday morning that her hus-

band was traveling in England and Scotland, and she expected him to arrive here Monday.

## When It Began

Donovan—who served as a prosecutor during the Nuremberg trials and was an OSS counsel during World War II—began his thankless task of defending a spy after Abel's arrest by immigration agents on June 21, 1957.

He was appointed to the job on Aug. 20, by Federal Judge Matthew T. Abruzzo, after his name was submitted by a committee of the Brooklyn Bar Association.

"I was surprised by the wave of hostility I encountered," he later said, revealing that even his four children had been forced to suffer taunts at school.

"Friends of mine who are more knowing in political ways than I, told me I was naive. But it would seem so obvious that it's an inherent part of our way of life that everyone is entitled to fight to Supreme Court

Donovan, who lives at 35 Prospect Park West, fought for an appeal on Abel's conviction all the way up to the Supreme Court, even though he donated the \$10,000 counsel fee he received to Fordham University and Columbia Law School.

Chief Justice Warren said of the tenacious attorney: "I think I can say that in my time on this court no man has undertaken a more arduous, more self-sacrificing task."

Last year, the stocky, white-haired attorney was named as an unsalaried vice president of the newly formed Board of Education—and once again he demonstrated his belief in fair play.

Donovan angrily castigated the leaking to newspapers of a confidential Board report not yet official in which a special trial examiner had recommended the dismissal of then-suspended Deputy Supt. of Schools Joseph R. Weiss on grounds of misconduct.

Such action, he said, was not fair to the accused.